

233558

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE (202) 663-7820
FACSIMILE (202) 663-7849

Crystal M. Zorbaugh

(202) 663-7831 (Direct Dial)
E-Mail czorbaugh@bakerandmiller.com

December 19, 2012

ENTERED
Office of Proceedings

DEC 19 2012

Part of
Public Record

BY HAND DELIVERY

Ms Victoria Rutson
Director, Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

RE: *West Michigan Railroad Co. – Abandonment Exemption – In Van Buren
County, MI, STB Docket No AB-1107X*

Dear Ms Rutson:

Yesterday, we sent the attached Environmental and Historic Report ("E&HR") to the relevant consulting agencies¹ regarding West Michigan Railroad Company's ("WMI") intention to file, on or about January 7, 2013, a Notice of Exemption pursuant to 49 CFR Part 1152.50, Subpart F (Exempt Abandonments, *et al.*) to permit the abandonment of approximately 10.67 miles of rail line located in Van Buren County, Michigan. The subject rail line proposed for abandonment (the "Line") extends from milepost 19.88 (west of the Line's crossing of 56th Street, near Lawrence, MI) to milepost 30.55 (east of Kalamazoo Street in Paw Paw, MI). The Line traverses United States Postal Zip Code territories 49064 and 49079.

Enclosed for your records is a copy of the E&HR which describes the proposed action, discusses possible environmental and historic effects, and includes a map of the affected area. As you well know, the Board's Historic Report regulations require that abandoning carriers such as WMI supply photographic documentation of all structures located along the Line that are believed to be 50 years old or older. There are 2 railroad structures on the Line that WMI believes may be 50 years old or older, each of them a bridge. To establish compliance with the Board's rules, we have included with the attached materials copies of the original photos sent to the Michigan State Housing Development Authority – State Historic Preservation Office.

¹ Copies of the letters that WMI sent to the relevant consulting agencies and a copy of the E&HR that was sent to each consulting agency are attached hereto.

BAKER & MILLER PLLC

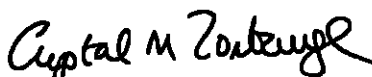
Ms Victoria Rutson

December 19, 2012

Page 2

If you have any questions concerning this proposed abandonment or the enclosed materials related thereto, please contact me at (202) 663-7831.

Sincerely,



Crystal M. Zorbaugh
Legal Assistant

Enclosures

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-1107X

**WEST MICHIGAN RAILROAD CO.
- ABANDONMENT EXEMPTION -
IN VAN BUREN COUNTY, MI**

CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT

**William A. Mullins
Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7823
wmullins@bakerandmiller.com**

December 18, 2012

Attorneys for West Michigan Railroad Co.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-1107X

**WEST MICHIGAN RAILROAD CO.
– ABANDONMENT EXEMPTION –
IN VAN BUREN COUNTY, MI**

CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT

In the above-captioned proceeding, West Michigan Railroad Co. (“WMI”) intends to abandon approximately 10.67 miles of railroad (hereinafter, the “Line”) extending from milepost 19.88 (west of the Line’s crossing of 56th Street, near Lawrence, MI) to milepost 30.55 (east of Kalamazoo Street in Paw Paw, MI). The Line proposed for abandonment is located entirely in Van Buren County, Michigan. In accordance with 49 CFR §§ 1105.7 and 1105.8, WMI hereby submits the following consolidated Environmental and Historic Report (“E&HR” or “Report”):

ENVIRONMENTAL REPORT

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

WMI¹ proposes to abandon approximately 10.67 miles of rail line (extending from milepost 19.88 (west of the Line’s crossing of 56th Street, near Lawrence, MI) to milepost 30.55 (east of Kalamazoo Street in Paw Paw, MI). The Line is located in Van Buren County, Michigan. A map delineating the proposed project/abandonment is attached as Exhibit 1. Upon obtaining authority to abandon the Line, WMI plans to remove the Line’s rail and salvageable track material (such as tie plates, fasteners, cross-ties, and, possibly, the upper layer of ballast), and will dispose of the underlying real estate comprising the Line’s right-of-way to the extent it is held in fee by WMI.

The Line has been out of service for over two years, and WMI may therefore avail itself

¹ WMI is among 17 Class III railroads commonly controlled by Pioneer Railcorp (“Pioneer”). See Pioneer Railcorp – Continuance in Control Exemption – Georgia Southern Railway Co., STB Finance Docket No. 35323 (STB served December 2, 2009).

of the two-year-out-of-service abandonment provision at 49 CFR part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights).

WMI does not intend as part of its planned track salvage and/or re-deployment to disturb the sub-grade or sub-grade structures, and it will not engage in any excavation or soil/ground disturbance activities. Abandonment and the resultant salvage of the Line will eliminate 34 at-grade rail-highway crossings – 14 private crossings, and 20 public crossings.

The only alternative to abandonment would be for WMI not to abandon the Line, and instead to retain the Line, and to incur losses associated with the ownership of unused rail assets. In addition, the Michigan Department of Transportation ("MDOT") has informed WMI that the public at-grade crossings along the Line are regarded by MDOT as a burden on local highway transportation. For this reason, MDOT has demanded WMI either to improve crossing surface conditions (potentially at costs to be borne by local transportation authorities and municipalities that ultimately may be responsible for crossing surfaces upkeep) or to remove the crossings. Accordingly, the proposed abandonment would advance MDOT's highway transportation objectives. The no-action alternative, in which the rail assets would remain in place, would frustrate WMI's and, by extension, Pioneer's to extract value from otherwise unused assets, and, as appropriate, to re-deploy certain of the Line's rail assets on other Pioneer-controlled railroads. The no-action alternative would also force certain at-grade crossing surface improvement costs upon WMI and the surrounding communities.

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The Line has been inactive for over two years, and, for this reason, the proposed abandonment will have no impact on regional or local transportation systems and patterns. No passenger or freight traffic would be diverted to other systems or modes as a result of the proposed abandonment.

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

WMI believes that the proposed abandonment is consistent with, and would promote, existing land use plans. The land adjoining the Line consists of rural open lands (fields), forested areas, residential (suburban-style) communities, and light industrial sites.

By letters dated December 18, 2012, copies of this Report have been mailed to the appropriate local and state contacts, including representatives of Van Buren County, Lawrence Township, Paw Paw Township, Village of Lawrence, and the Village of Paw Paw for their input and comment. See E&H/R Consultation Letter Example and Service List, attached as Exhibit 2.

- (ii) **Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

WMI does not believe that there is any prime agricultural land that would be adversely affected by the proposed abandonment. As indicated above, the land through which the Line traverses includes flat terrain and some rolling hills. Furthermore, the proposed abandonment should not in any way contribute to farmland loss, and could in fact permit the abandoned right-of-way to be converted, where practicable, to farmland use. Nevertheless, WMI has notified the United States Department of Agriculture's Natural Resources Conservation Service of the proposed abandonment by letter dated December 18, 2012 (to which letter this E&HR was appended), soliciting input on the proposed abandonment's potential effects on prime agricultural land. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

- (iii) **If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

WMI has reviewed the Michigan Department of Environmental Quality, Water Resources Division's ("MDEQWR") Coastal Zone Boundary Maps and determined that the proposed abandonment would not be subject to review under any coastal zone management plan. Nevertheless, to assure compliance with the requirements of 49 CFR § 1105.9, WMI has served a copy of this Report on MDEQWR by letter dated December 18, 2012. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

- (iv) **If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.**

WMI believes that the Line might be suitable for alternate public use. For example, the Line's right-of-way might be suited for use as a recreational trail.

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

There has been no local or overhead traffic on the Line in at least two years, and, for this reason, the proposed abandonment will have no effect on the transportation of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

Because the Line has been inactive for two years, the proposed abandonment should have no effect on the transportation and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

Because the proposed abandonment involves an out-of-use rail line, the abandonment should have no effect on overall energy usage.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

The Line has been inactive for at least two years. There will be no diversion of traffic to motor carriers as a result of the proposed abandonment, and, by extension, there will be no traffic diversions that would exceed the thresholds stated above.

(5) AIR

(i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply.

The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, the state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction 49 U.S.C. 10901 (or 49 U.S.C. 10505), or a case involving the reinstitution of service over a previously abandoned line,

only the three train a day threshold in this item shall apply.

Based upon 40 CFR § 81.323, WMI believes that Van Buren County is *not* designated as a non-attainment area, and that the above-stated thresholds are therefore inapplicable. Nevertheless, the above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills, contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) An incremental increase in noise levels of three decibels Ldn or more; or
- (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

None of the thresholds in item 5(i) of this section will be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed abandonment of a long-out-of-service rail line should have no material adverse impact on public health and safety. In fact, if the abandonment is granted and the Line is salvaged, WMI will close permanently 20 public road crossings and 14 private crossings, thereby enhancing safety by facilitating MDOT's interest in safer driving conditions, and eliminating distractions to vehicular traffic crossing the Line.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

No hazardous materials are expected to be transported, and, indeed, no traffic of any kind has moved over the Line in more than two years.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way; identify the location of those sites and the types of hazardous materials involved.

WMI has no knowledge of hazardous waste sites or sites where there have been known hazardous materials spills on the Line's right-of-way or on adjacent land.

(8) BIOLOGICAL RESOURCES

- (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

WMI does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. WMI has notified the regional office of the U.S. Fish and Wildlife Service ("USF&W") in an effort to determine whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as critical habitat. A copy of this Report was attached to the letter sent to USF&W. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

WMI's proposed rail salvage activities would take place entirely upon existing WMI right-of-way. Access to WMI's right-of-way for purposes of any salvage activity would be accomplished via the right-of-way itself, and/or via existing public and/or private grade crossings. The proposed abandonment and anticipated track salvage would not require the creation of new access points to the Line, and would not involve removal of trees or other wildlife habitat on lands adjacent to the existing railroad right-of-way.

- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Based on investigation, WMI is unaware of any wildlife sanctuaries or refuges, National or State parks or forests that would be adversely affected by the proposed abandonment. Nevertheless, WMI has notified the National Park Service ("NPS") of the proposed abandonment. A copy of this Report was attached to the letter sent to NPS. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

(9) WATER

- (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

WMI is confident that the proposed abandonment will be consistent with applicable water quality standards. In connection with this issue, WMI has contacted the Michigan Department of Environmental Quality ("MDEQ") and the United States Environmental Protection Agency

("USEPA") by letters dated December 18, 2012. A copy of this report was attached to each of the letters. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

As indicated above, WMI anticipates that, following the effective date of the subject abandonment exemption notice, it will engage in the salvage of the Line's track and track material. But any such track salvage activities will take place above the surface of the ground, and, thus, salvage will not involve any excavation, grading, or other ground or soil disturbance. As a result, the proposed abandonment will not trigger the need for any storm water mitigation, including a National Pollutant Discharge Elimination System ("NPDES") permit.

- (ii) **Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

WMI believes that – (1) no permits under section 404 of the Clean Water Act will be required for the proposed abandonment, and (2) no designated wetlands or 100-year flood plains will be affected. Upon receiving abandonment authority, removal of track material will be accomplished by use of the right-of-way for access, along with access via existing public and private crossings as necessary. No new access roads will be created for purposes of track salvage. WMI will not disturb any of the Line's underlying roadbed, nor will it undertake any ground disturbance activities that would cause sedimentation or erosion of the soil (such as excavation or grading), and WMI does not anticipate any dredging or use of fill in the removal of the track material. Moreover, WMI does not anticipate undertaking any salvage activity that would disturb streams, streambeds, or wetlands. The crossties and/or other debris associated with salvage, if removed, will be transported away from the Line, and will not be discarded along the right-of-way. Such materials will not be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. For these reasons, WMI believes that a permit under Section 404 of the Clean Water Act will not be required.

WMI has contacted the U.S. Army Corps of Engineers –by letter dated December 18, 2012. A copy of this Report was attached to the letter. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

- (iii) **State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.**

WMI believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. (See discussion in section 9 (i) and (ii), above.) Nevertheless, WMI has contacted the MDEQ and the USEPA by letter dated December 18, 2012, seeking guidance on any potential water quality impacts (based on applicable water quality standards) and in determining whether the proposed abandonment is consistent with such federal, state, or local standards. A copy of this report was attached to the letter. See E&HR Consultation Letter Example and Service List, attached as Exhibit 2.

(10) PROPOSED MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

WMI does not expect any adverse environmental impact will result from the proposed abandonment and, therefore, is of the opinion that mitigating action is unnecessary. WMI will, of course, cooperate in any further evaluation of proposed remedial/mitigation actions which interested federal, state, and/or local agencies may recommend to the Board.

(11) ADDITIONAL INFORMATION FOR RAIL CONSTRUCTIONS

Not applicable.

HISTORIC REPORT

49 CFR § 1105.8(d):

- (1) **A.U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;**

Topographic maps depicting the location of the proposed abandonment and the location of structures that are 50 years old or older and that are located along the Line are attached as Exhibit 3. These maps are being supplied to the Michigan State Housing Development Authority – State Historic Preservation Office (“MISHPO”) as part of a complete copy of this report. WMI understands that there are 2 railroad structures on the Line that are believed to be 50 years old or older, each of them a bridge.

- (2) **A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;**

According to WMI records, the Line’s right-of-way is predominantly 50 feet in width. The Line runs adjacent to lands of varying uses, ranging from forested open land and rural farmland to commercial and residential areas. The topography is generally flat, with some rolling hills.

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;**

WMI has determined that there are two structures along the Line – each of them are trestles or bridges – that may be 50 years old or older, and the location of each such structure is shown on the U.S.G.S. maps attached as Exhibit 3.² The two bridges are as follows: (1) a roughly 37’ steel and wood trestle at milepost 22.54; and (2) a roughly 67’ wooden span at milepost 29.8. WMI has photographed and documented each of these structures, and has supplied original photographs of each such structure to MISHPO for evaluation. (Copies of the aforementioned photographs are attached hereto as Exhibit 4.) Aside from the materials included in Exhibit 4, WMI does not have any additional information in its possession (such as engineering diagrams or other records) that would be useful in aiding in any historical structures analysis.

WMI does not anticipate removing or dismantling either of the two bridges..

² WMI has no records permitting it to confirm definitively that the two bridges are indeed 50 years old or older. Based on construction, design, and current condition, WMI is of an opinion, however, that the two bridges are most likely at least 50 years old.

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

According to the limited information in WMI's possession, the two bridges along the Line are believed to have been built at least 50 years ago. WMI does not know when these two bridges were built, and has no construction or engineering records that could aid in determining a likely construction date. WMI has not undertaken any major improvements to these bridges during the time that WMI has owned the Line.

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

WMI has no historical records of its own relating to the Line. Based on research, however, WMI understands that the Line was constructed by the Toledo and South Haven Railroad ("TSHR") in 1877. TSHR was a predecessor to the Pere Marquette Railway, which became a subsidiary of the Chesapeake and Ohio Railway Company ("C&O"). In 1986, C&O sold the Line to Southwestern Michigan Railroad Company, Inc., d/b/a Kalamazoo, Lake Shore & Chicago Railway ("KLSC") pursuant to Southwestern Michigan Railroad Company, Inc., d/b/a Kalamazoo, Lake Shore & Chicago Railway – Acquisition and Operation Exemption – The Chesapeake and Ohio Railway Company, ICC Finance Docket No. 30803 (ICC served Apr. 22, 1986).

WMI (formerly known as West Jersey Railroad Co.) assumed operation of the Line in June of 1995 upon KLSC's bankruptcy, and later in the same year acquired the Line through the KLSC bankruptcy proceeding. See West Michigan Railroad Co. – Purchase and Operation Exemption – Rail Line of the Kalamazoo, Lake Shore & Chicago Railway Co. Between Hartford and Paw Paw, Michigan, ICC Finance Docket No. 32787.³

WMI is unaware of the extent to which KLSC or C&O (or C&O's predecessors may have modified the Line or the track and track structures along the Line, although WMI discovered that portions of the Line were without track at the time WMI acquired the Line in 1995.⁴

WMI intends, upon the effectiveness of the abandonment exemption, to terminate its rail common carrier obligation over, and to abandon, the Line. WMI would salvage the rail and track material that possesses positive net salvage value, and potentially may opt to re-deploy salvaged items on other Pioneer-controlled rail lines. WMI does not intend to dismantle or remove any bridges along the Line. The right-of-way will either be disposed of or the easements will be relinquished (to the extent WMI does not own in fee any portion of the subject right-of-way), or the corridor may be preserved under an interim trail use arrangement.

³ WMI is a subsidiary of short line holding company Pioneer Railcorp.

⁴ For example, at the time WMI sought ICC authority to acquire the Line, WMI pointed out that the portion of the Line between milepost 30.30 and the ends of the line at milepost 30.55 was without track. WMI presumed that KLSC may have removed the track without first obtaining ICC abandonment authority.

- (6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;**

As indicated above, the Line appears to have been built in the early 1870s, but WMI is one of many subsequent owners of these rail assets. WMI was not supplied with, and does not have, engineering drawings of the two bridges identified above. In fact, the only relevant documents in WMI's possession have been included in Exhibit 4.

- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);**

As indicated above, WMI's records indicate that there are 2 structures (bridges) on or adjacent to the Line that WMI believes may be 50 years old or older. In WMI's opinion, these structures would not meet the criteria for listing on the National Register of Historic Places. As the photographs supplied to MISIPO suggest, none of the subject structures appears to have unique or otherwise significant design characteristics. Moreover, neither of these structures is linked to events or historic significance. WMI understands that the two bridges in question could remain in use in the event that the Line's right-of-way was to be converted into recreational trail. And, again, WMI has no plans to remove or alter either of the two bridges located along the line (aside from possibly removing the rail and other track material located upon or along the structures).

WMI is unaware of any archeological resources or any other previously unknown historic properties on the Line's right-of-way.

- (8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.**

WMI has no records of, and is unaware of, any known subsurface ground disturbance or fill, or environmental conditions that might affect the recovery of archeological resources. Undoubtedly, track work and/or construction has occurred regularly over the many years that the Line has been in operation. Such work may have affected the potential for recovery of archeological resources.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

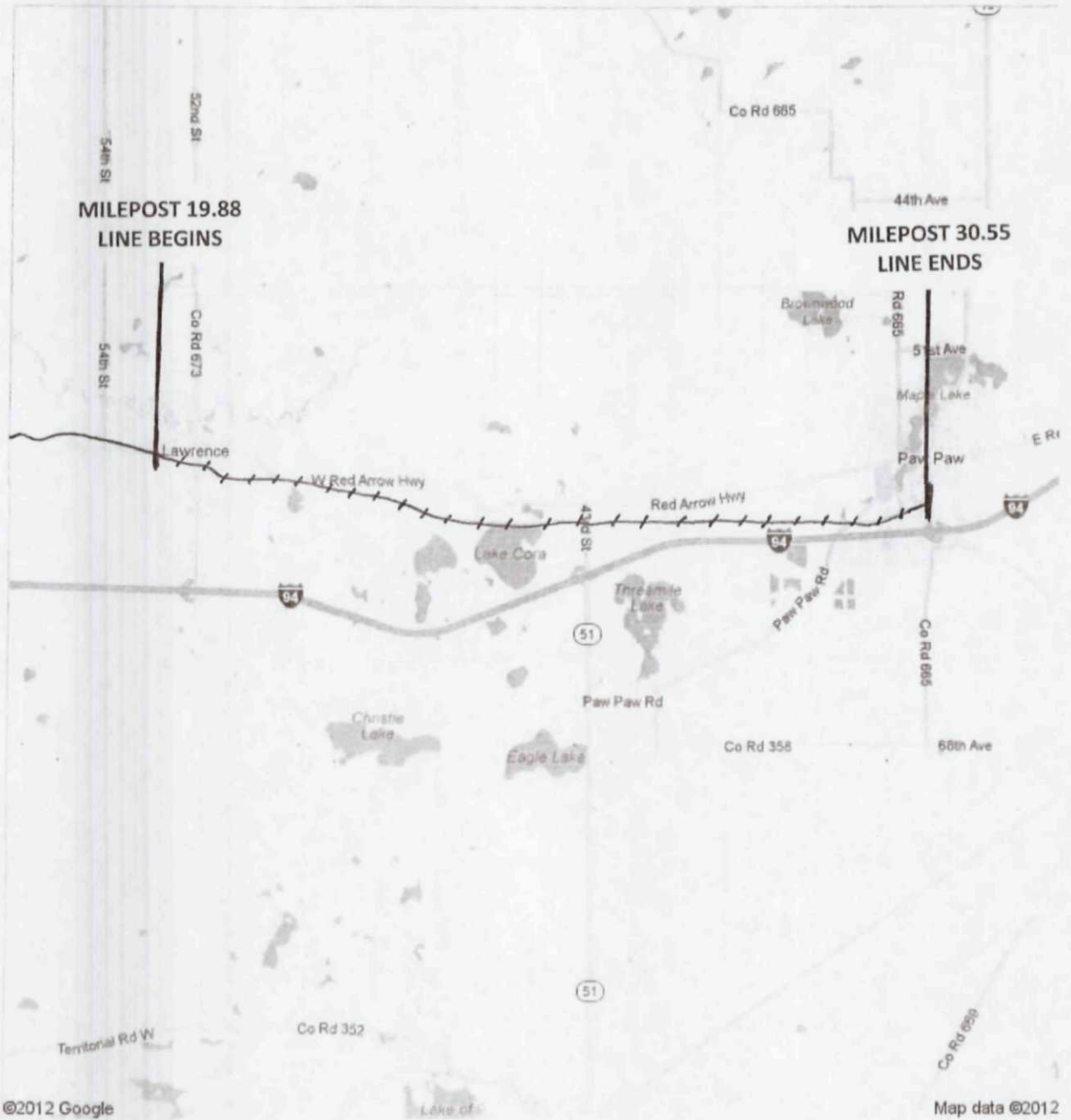
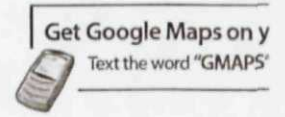
STB Docket No. AB-1107X

**WEST MICHIGAN RAILROAD CO.
- ABANDONMENT EXEMPTION -
IN VAN BUREN COUNTY, MI**

CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT

EXHIBIT 1 - LOCATION MAP

Google



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-1107X

**WEST MICHIGAN RAILROAD CO.
- ABANDONMENT EXEMPTION -
IN VAN BUREN COUNTY, MI**

CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT

EXHIBIT 2 – CONSULTATION LETTER [EXAMPLE] AND SERVICE LIST

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE NW
SUITE 300
WASHINGTON DC 20037

TELEPHONE (202) 663-7820
FACSIMILE (202) 663-7849

ROBERT A. WINDISH

(202) 663-7824 (Direct Dial)
E-Mail rwmb@bakermiller.com

December 18, 2012

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

RE: *West Michigan Railroad Co. - Abandonment Exemption - In Van Buren
County, MI, STB Docket No AB-1107X*

Dear Chief Tidwell:

On or about January 7, 2013, West Michigan Railroad Company ("WMI") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F (Exempt Abandonments, et al), in which WMI will seek to abandon approximately 10.67 miles of rail line located in Van Buren County, Michigan. The subject rail line proposed for abandonment (the "Line") extends from milepost 19.88 (west of the Line's crossing of 56th Street, near Lawrence, MI) to milepost 30.55 (east of Kalamazoo Street in Paw Paw, MI). The Line traverses United States Postal Zip Code territories 49064 and 49079.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis ("OEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001, TEL: (202) 245-0295, and refer to STB Docket No. AB-1107X. You may also contact the undersigned counsel for WMI. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to OEA, if any, would be appreciated within 3 weeks. As undersigned counsel for WMI, I would

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE (202) 683-7820
FACSIMILE (202) 683-7849

ROBERT A. WINBISH

(202) 683-7824 (Direct Dial)
E Mail rwimbish@bakerandmiller.com

December 18, 2012

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

RE: *West Michigan Railroad Co. - Abandonment Exemption - In Van Buren
County, MI, STB Docket No. AB-1107X*

Dear Chief Tidwell,

On or about January 7, 2013, West Michigan Railroad Company ("WMI") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F (Exempt Abandonments, et al.), in which WMI will seek to abandon approximately 10.67 miles of rail line located in Van Buren County, Michigan. The subject rail line proposed for abandonment (the "Line") extends from milepost 19.88 (west of the Line's crossing of 56th Street, near Lawrence, MI) to milepost 30.55 (east of Kalamazoo Street in Paw Paw, MI). The Line traverses United States Postal Zip Code territories 49064 and 49079.

Attached is a consolidated Environmental and Historic Report (the "E&HR" or "Report") describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing you with this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proposed rail line abandonment. If any of the information in the attached E&HR is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis ("OEA"), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL. (202) 245-0295, and refer to STB Docket No. AB-1107X. You may also contact the undersigned counsel for WMI. Because statutes and regulations applicable to rail line abandonments impose stringent deadlines for processing this action, your written comments to OEA, if any, would be appreciated within 3 weeks. As undersigned counsel for WMI, I would

**STB Docket No. AB-
SERVICE LIST pursuant to 1105.7**

State Clearinghouse

Diane Burton, LARA Executive Office
Michigan Department of Energy, Labor & Economic Growth
611 West Ottawa
Lansing, MI 48933
(517) 373-1820

Jeannine Farkas, Section Secretary
Michigan Department of Transportation
Rail Safety Section
425 West Ottawa
P.O. Box 30050
Lansing, Michigan 48909
(517) 373-8235

State Environmental Protection Agency

Jim Kasprzak, Chief
Michigan Department of Environmental Quality
P.O. Box 30473
Lansing, MI 48909-7973
(517) 241-7427

State Coastal Zone Management

Jim Milne, Chief Great Lakes Shore Land Unit
Michigan Department of Environmental Quality
Water Resources Division
525 West Allegan Street
P.O. Box 30458
Lansing, MI 48909-7958
(269) 567-3500

Head of each county &/ or political entity

Chris Randall
Chairman, Board of Commissioners
Van Buren County
300 W. White Oak Road
Lawton, MI 49065

Ken Barnett
Supervisor
Lawrence Township
205 N Paw Paw St.
P.O. Box 442
Lawrence, MI 49064-0442

David Richardson
Supervisor
Paw Paw Township
Township Hall Building
114 N. Gremps St
Paw Paw, MI 49079

Mary Webster
Village President
Village of Lawrence
PO Box 217
157 N. Paw Paw
Lawrence, MI 49079

Larry Nielsen
Village Manager
Village of Paw Paw
111 E Michigan Ave
Paw Paw, Michigan 49079-0179

Regional Office of the Environmental Protection Agency

Susan Hedman, Region 5 Administrator
US Environmental Protection Agency - Region 5
Mailcode: R19J
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-3000

The US Fish & Wildlife Service

Tom Melius, Regional Director
Midwest Region
U.S. Fish and Wildlife Service
5600 American Blvd. West, Suite 990
Bloomington, MN 55437-1458
(612) 713-5360

U.S. Army Corp of Engineers

Commander James L. Booth
Executive Office
U.S. Army Corps of Engineers Detroit District
477 Michigan Ave
Detroit, MI 48226

The National Park Service

Charlie Stockman
Rivers, Trails and Conservation Assistance Program
National Park Service
RTCA Program
1201 Eye St., NW, 9th Floor (Org Code 2240)
Washington, DC 20005

Natural Resources Conservation Service

Garry Lee, State Conservationist
Natural Resources Conservation Service
3001 Coolidge Road, Suite 250
East Lansing, Michigan 48823
(517) 324-5270

US Soil Conservation Service

Dave White, Chief
USDA, NRCS, Office of the Chief
1400 Independence Ave. SW, Room 5105-A
Washington, DC 20250
(202) 720-7246

National Geodetic Survey

Juliana Blackwell, Director
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282
(301) 713-3242

State Historic Preservation

Brian D. Conway, Michigan State Historic Preservation Officer
Michigan State Housing Development Authority - State Historic Preservation Office
735 E. Michigan Avenue
P.O. Box 30044
Lansing, MI 48909
(517) 373-8370

Advance Notice Contacts

Service List pursuant to 1152.50

Public Service Commission

Orjiakor Isioogu
Commissioner
Michigan Public Service Commission
4300 W. Saginaw Highway
P.O. Box 30221
Lansing, MI 48909

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
SDDC TEA
Railroads for National Defense
709 Ward Dr., Bldg. 1990
Scott AFB, IL 62225
Telephone: (618) 220-5741

The National Park Service, Recreation Resources Assistance Division

Charlie Stockman
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005
Telephone: (202) 354-6900

U.S. Department of Agriculture, Chief of the Forest Service

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

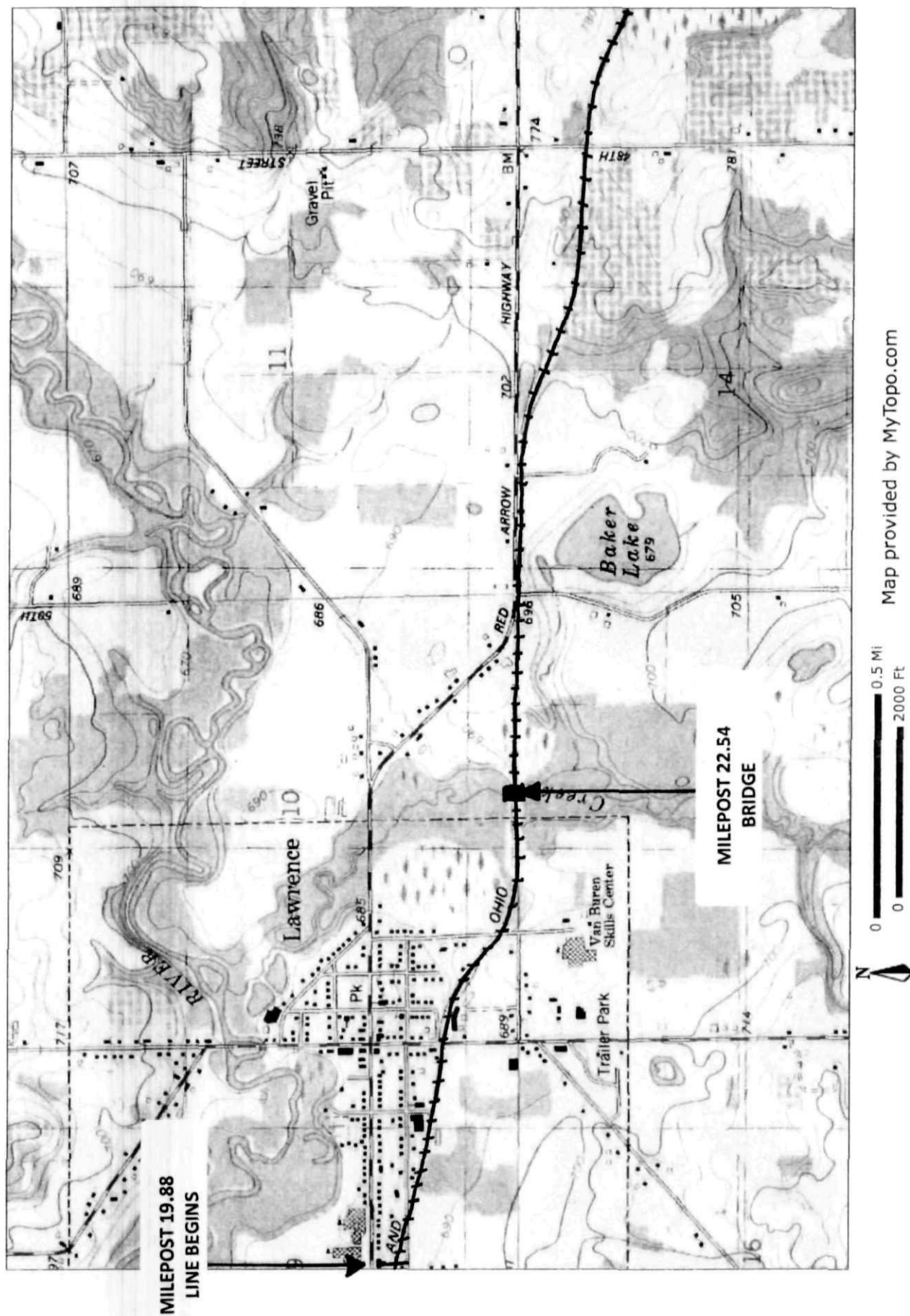
**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

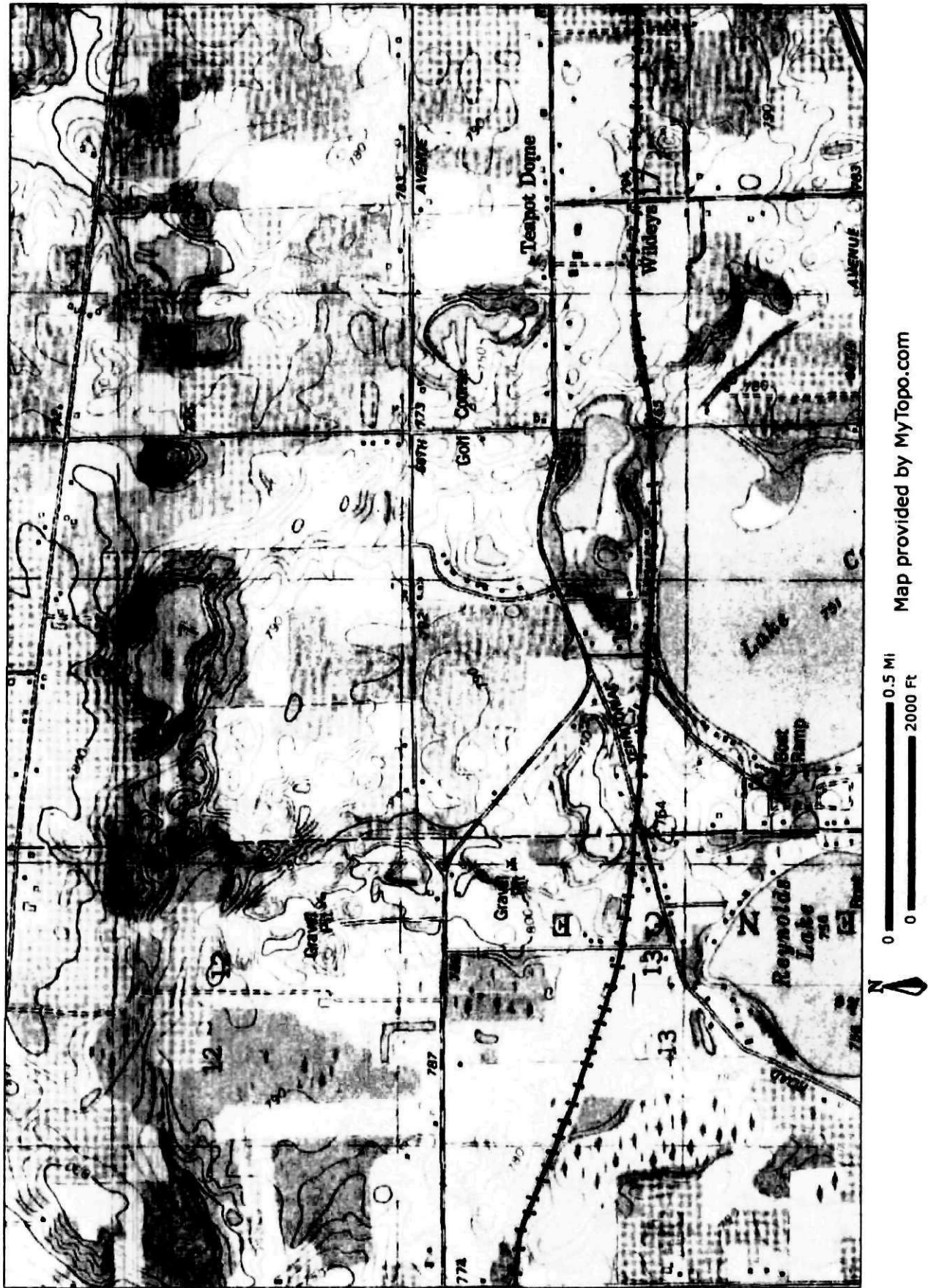
STB Docket No. AB-1107X

**WEST MICHIGAN RAILROAD CO.
- ABANDONMENT EXEMPTION -
IN VAN BUREN COUNTY, MI**

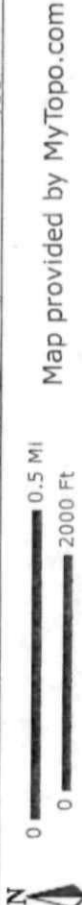
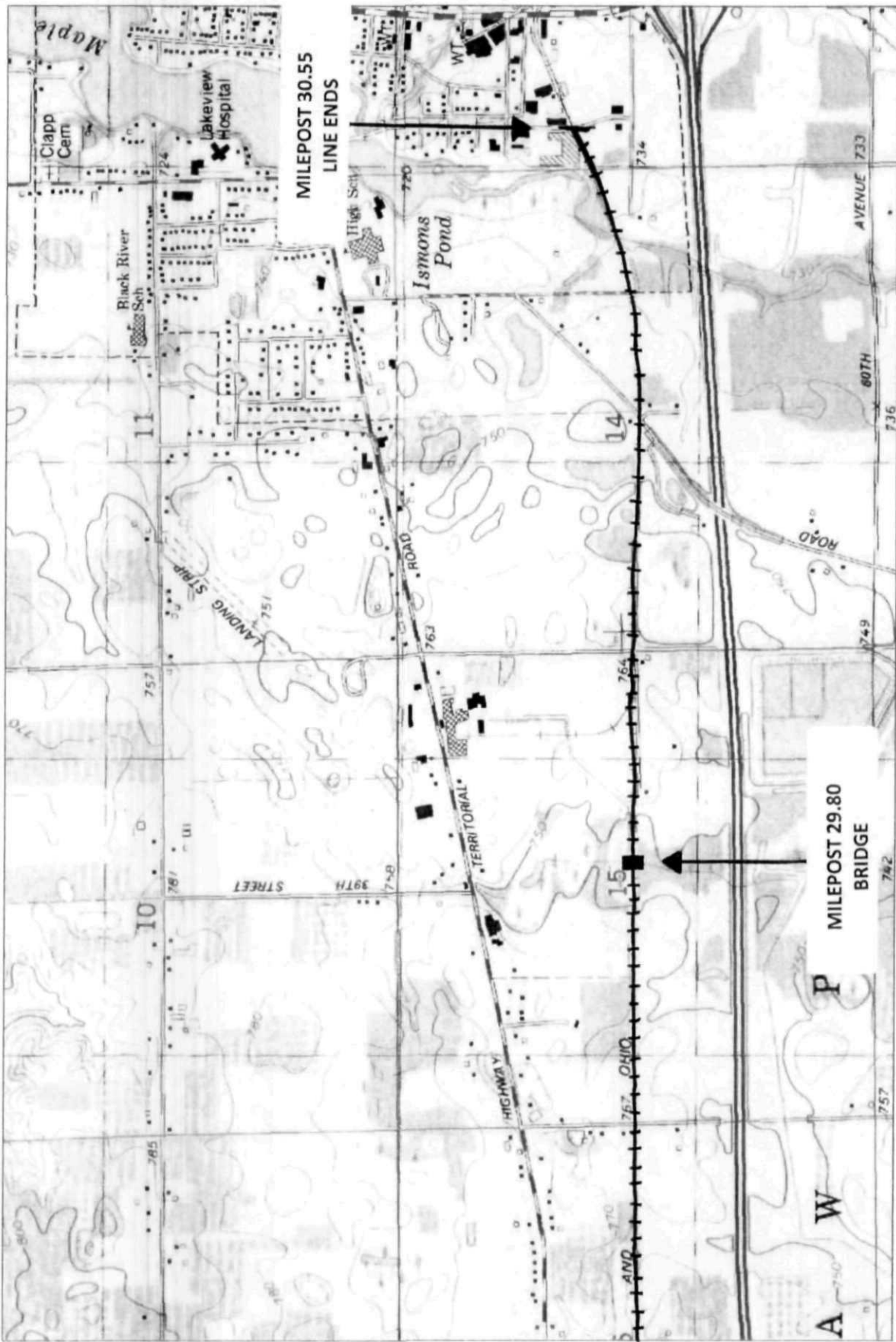
CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT

EXHIBIT 3 – U.S.G.S TOPOGRAPHIC MAPS





Map provided by MyTopo.com



Map provided by MyTopo.com

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-1107X

**WEST MICHIGAN RAILROAD CO.
– ABANDONMENT EXEMPTION –
IN VAN BUREN COUNTY, MI**

CONSOLIDATED ENVIRONMENTAL AND HISTORIC REPORT

**EXHIBIT 4 – COLOR PHOTOGRAPHS (STRUCTURES) AND
OTHER SUPPORTING MATERIAL**

**[SUPPLIED TO MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY –
STATE HISTORIC PRESERVATION OFFICE]**

Milepost 23.2 Lawrence
View - East



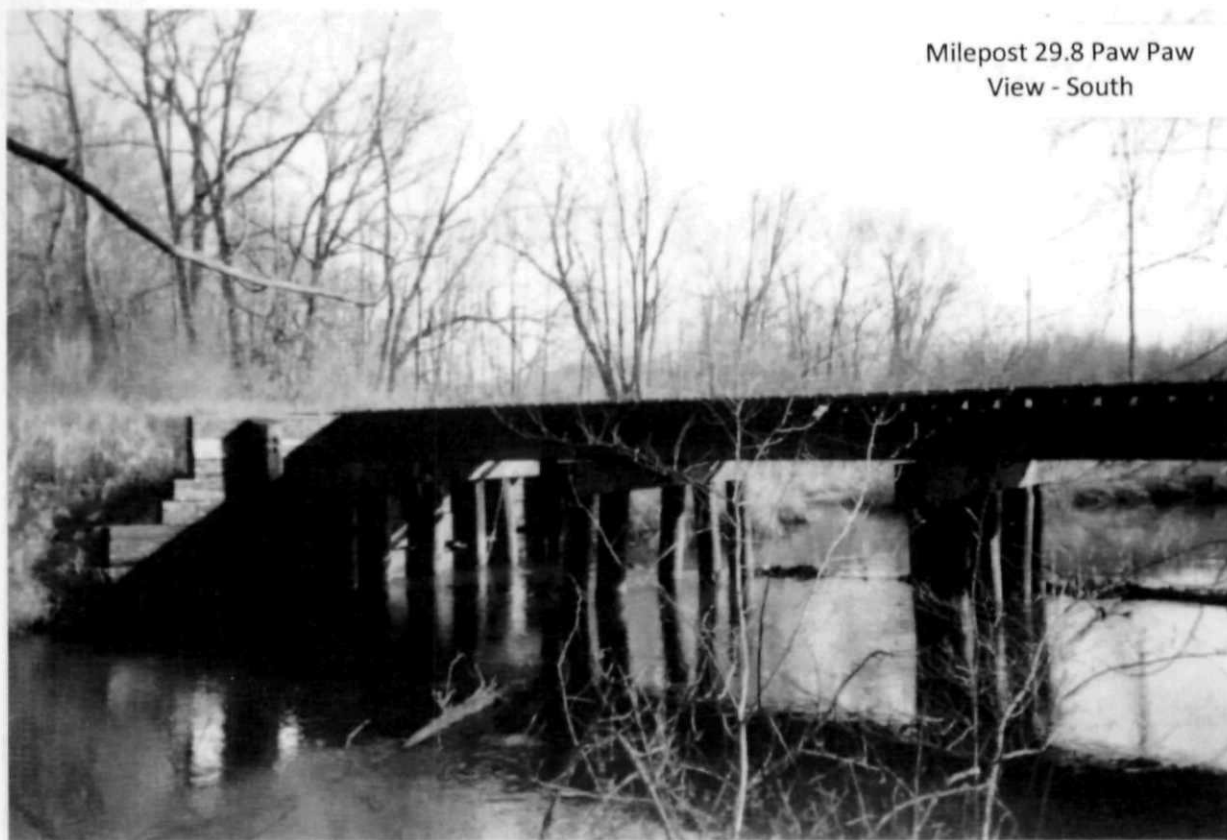
Milepost 23.2 Lawrence
View - South



Milepost 29.8 Paw Paw
View - North



Milepost 29.8 Paw Paw
View - South



Milepost 29.8 Paw Paw
View - West

